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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/13/2006

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EXAMINER

GOLDBERG, BRIAN J

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,373	Applicant(s) HARADA ET AL.	
	Examiner Brian Goldberg	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12-22, 24-28, 30-34, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-22, 24-28, 30-34, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2, 9, and 16 are objected to because of the following informalities:

Claims 2 and 16 recite the limitation "the consumption rate" in line 3 and line 4 of the claims, respectively. There is insufficient antecedent basis for this limitation in the claims. Claims 2, 9, and 16 recite the limitation "the printed time" in line 3 and line 4 of the claims, respectively. There is insufficient antecedent basis for this limitation in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 6, 7, 8, 13, 14, 15, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakuma.
4. Regarding claim 1, Sakuma discloses "a judgment unit for judging whether a service life of a loaded developing agent cartridge has expired by accessing a memory unit of said developing agent cartridge (ROM 35 and memory 37); and an operation mode setting unit for setting up its own operation mode to a safety mode in order to prevent printing troubles when said judgment unit determines that the service life of said developing agent cartridge has expired (col 5 ln 57-62, col 6 ln 20-25, Figs 5-7); wherein said safety mode is to execute a printing process with an increased cleaning frequency,

Art Unit: 2861

an increased calibration frequency or an increased communication frequency with a control center compared to those of a standard mode (col 6 ln 55-62)."

5. Regarding claims 3, 10, and 17, Sakuma discloses "said consumption information and service life information are based on a number of printed sheets, a number of effective pixels used in forming images, or an amount of consumed developing agent (col 7 ln 66 – col 8 ln 1)."

6. Regarding claims 5, 12, and 19, Sakuma discloses "said developing agent cartridge is either a toner cartridge or an ink cartridge (15, 16, col 8 ln 1-2)."

7. Regarding claims 6 and 13, Sakuma discloses "a judgment unit/step for judging whether a service life of a loaded developing agent cartridge has expired by accessing a memory unit of said developing agent cartridge (ROM 35 and memory 37); and an operation mode setting unit/step for setting up its own operation mode to a safety mode in which a printing process is executed with an increased cleaning frequency compared to that of a standard mode when said judgment unit/step determines that the service life of said developing agent cartridge has expired (col 5 ln 57-62, col 6 ln 55-63, Figs 5-7)."

8. Regarding claims 7 and 14, Sakuma discloses "said cleaning frequency is such that cleaning is executed in every page of image information (col 1 ln 31-35, col 7 ln 66-67)." Cleaning can be executed every predetermined number of pages, which includes every page.

9. Regarding claim 8, Sakuma discloses "a judgment step of judging whether a service life of a loaded developing agent cartridge has expired by accessing a memory unit of said developing agent cartridge (ROM 35 and memory 37); and an operation

Art Unit: 2861

mode setting step of setting up its own operation mode to a safety mode in order to prevent printing troubles when said judgment step determines that the service life of said developing agent cartridge has expired (col 5 ln 57-62, col 6 ln 20-25, Figs 5-7); wherein said safety mode is to execute a printing process with an increased cleaning frequency, an increased calibration frequency or an increased communication frequency with a control center compared to those of a standard mode (col 6 ln 55-62)."

10. Regarding claim 15, Sakuma discloses "a judgment step of judging whether a service life of a loaded developing agent cartridge has expired by accessing a memory unit of said developing agent cartridge (ROM 35 and memory 37); and an operation mode setting step of setting up its own operation mode to a safety mode in order to prevent printing troubles when said judgment step determines that the service life of said developing agent cartridge has expired (col 5 ln 57-62, col 6 ln 20-25, Figs 5-7)."

11. Regarding claim 18, Sakuma discloses "said safety mode is to execute a printing process with an increased cleaning frequency, an increased calibration frequency or an increased communication frequency with a control center, or a reduced printing speed compared to those of a standard mode (col 6 ln 55-62)."

12. Regarding claim 20, Sakuma discloses "a computer-readable recording medium on which the printing program described in claim 15 is recorded (35 of Fig 1, col 4 ln 37)."

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2861

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2, 9, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma in view of Haines et al.

15. Regarding claims 2, 9, and 16, Sakuma discloses the claimed invention as set forth above with respect to claims 1, 8, and 15. Thus Sakuma meets the claimed invention except the limitations set forth in claims 2, 9, and 16.

16. Haines et al. teach "a consumption information reading unit [or step] for reading consumption information that represents the degree of consumption of said developing agent cartridge at the present time stored in a memory unit of said developing agent cartridge, wherein said judgment unit determines whether the service life of said developing agent cartridge has expired by comparing the consumption information of said developing agent cartridge read by said consumption information reading unit with preset service life information that represents the service life of said developing agent cartridge (40 of Fig 3, col 2 ln 14-22, ln 36-40, 124 of Fig 4)." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to store consumption information in a memory unit of the cartridge and using it to determine service life. One would have been motivated to so modify Sakuma with the addition taught by Haines et al. for the benefit of providing the manufacturer with usage information of the cartridge which may be utilized in design, manufacture and marketing of subsequent cartridges, as stated by Haines et al.

Art Unit: 2861

17. Claims 21, 22, 24-28, 30-34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. in view of Sakuma.

18. Regarding claims 21, 27, and 33, Phillips et al. disclose "a judgment unit/step for judging whether a loaded developing agent cartridge is an authorized product (51 of Fig 3); and an operation mode setting unit/step for setting up its own operation mode to a safety mode in order to prevent printing troubles when said judgment unit/step determines that said developing agent cartridge is not an authorized product (col 5 ln 64 – col 6 ln 2)." Thus Phillips et al. meet the claimed invention except "wherein said safety mode is to execute a printing process with an increased cleaning frequency, an increased calibration frequency or an increased communication frequency with a control center compared to those of a standard mode."

19. Sakuma teaches "said safety mode is to execute a printing process with an increased cleaning frequency, an increased calibration frequency or an increased communication frequency with a control center, or a reduced printing speed compared to those of a standard mode (col 6 ln 55-62)." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a safety mode in which a printing process with an increased cleaning frequency is executed. One would have been motivated to so modify Phillips et al. by executing an increased cleaning frequency instead of displaying a warning or shutting down for the benefit of extending the life of the cartridge while minimizing the decrease in printing quality which would normally occur until the printhead is replaced, as stated by Sakuma.

Art Unit: 2861

20. Regarding claim 22, Phillips et al. further disclose “a product information reading unit for reading product information for identifying a product of said printing device or said developing agent cartridge stored in a memory unit of said developing agent cartridge (44, 51 of Fig 3), wherein said judging unit determines whether said developing agent cartridge is an authorized product or not by comparing the product information read by said product information reading unit with a product information of an authorized product (col 5 ln 64 – col 6 ln 2, col 6 ln 6-12).”

21. Regarding claim 24, 30, and 36, Phillips et al. further disclose “said developing agent cartridge is either a toner cartridge or an ink cartridge (32 of Fig 2 and col 2 ln 61).”

22. Regarding claims 28 and 34, Phillips et al. further disclose “a product information reading step for reading product information for identifying a product of said printing device or said developing agent cartridge stored in a memory unit of said developing agent cartridge (44, 51 of Fig 3), wherein said judging step determines whether said developing agent cartridge is an authorized product or not by comparing the product information read by said product information reading unit with a product information of an authorized product (col 5 ln 64 – col 6 ln 2, col 6 ln 6-12).”

23. Regarding claims 25 and 31, Phillips et al. disclose “a judgment unit/step for judging whether a loaded developing agent cartridge is an authorized product (51 of Fig 3); and an operation mode setting unit/step for setting up its own operation mode to a safety mode... when said judgment unit/step determines that said developing agent cartridge is not an authorized product (col 5 ln 64 – col 6 ln 2).” Thus Phillips et al. meet

the claimed invention except "a safety mode in which a printing process is executed with an increased cleaning frequency compared to that of a standard mode."

24. Sakuma teaches "a safety mode in which a printing process is executed with an increased cleaning frequency compared to that of a standard mode (col 6 ln 55-62)." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a safety mode in which a printing process with an increased cleaning frequency is executed. One would have been motivated to so modify Phillips et al. by executing an increased cleaning frequency instead of displaying a warning or shutting down for the benefit of extending the life of the cartridge while minimizing the decrease in printing quality which would normally occur until the printhead is replaced, as stated by Sakuma.

25. Regarding claims 26 and 32, Sakuma further teaches "said cleaning frequency is such that cleaning is executed in every page of image formation (col 1 ln 31-35, col 7 ln 66-67)." Cleaning can be executed every predetermined number of pages, which includes every page.

26. Regarding claim 37, Phillips et al. disclose the claimed invention as set forth above with respect to claim 33. Thus Phillips et al. meet the claimed invention except "a computer-readable recording medium on which the printing program described in claim 33 is recorded."

27. Sakuma teaches "a computer-readable recording medium on which the printing program described in claim 15 is recorded (35 of Fig 1, col 4 ln 37)." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to

include a computer-readable medium on which is stored the program set forth above by Phillips et al. One would have been motivated to so modify Phillips et al. by providing a computer-readable medium for the benefit of storing the program for execution by a computer or control unit.

Response to Arguments

28. Applicant's arguments with respect to claims 1-3, 5-10, 12-22, 24-28, 30-34, 36, and 37 have been considered but are moot in view of the new ground(s) of rejection.


29. Regarding the arguments for claims 1, 4, 6-8, 11, 13-15, 18, and 20 applicant incorrectly asserts that Sakuma does not access a memory unit, when Sakuma does in fact disclose the ROM and memory unit as cited above.


30. Regarding the arguments in response to the 103 rejections, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., increasing the cleaning frequency ***without stopping*** the printing process) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, Phillips discloses either issuing a warning or shutting down, not just shutting down. Therefore, the warning message could be given without stopping printing and the combination of Sakuma discloses increasing the cleaning frequency. Finally, applicant incorrectly states that claims 25 and 31 are allowable due to their dependencies, when claims 25 and 31 are, in fact, independent claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goldberg whose telephone number is 571-272-2728. The examiner can normally be reached on Monday through Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on 571-272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Goldberg 
AU 2861
September 8, 2006


Vip Patel
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